| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/751,285 | 12/29/2000 | Gopal N. Iyer | 00264 | 8916 |

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|---|---|
| EXAMINER | |
| SMITH, SHEILA B | |

7590          11/03/2004

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2681 | |

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/751,285 | IYER, GOPAL N. |
| | Examiner | Art Unit | |
| | Sheila B. Smith | 2681 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>29 June 2004</u>.

2a)☒ This action is **FINAL**.  2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-5,7-11 and 13-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15 and 16* is/are allowed.

6)☐ Claim(s) *1-5,7-11,13 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1.      Claims 1-5,7-11,13,14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Amin et al. (U. S. Patent Number 5,953,652) in view of Wical (U. S. Patent Number

5,694,523) and further in view of Corsair article.

*Regarding claims 1,* Amin et al. discloses essentially all the claimed invention as

set fourth in the instant application, further Amin et al. discloses detection of fraudulently

registered mobile phones. In addition Amin et al. discloses a generating a tear down

report based on call specific data obtained in a wireless network (which reads on column

7 lines 5-7 and column 14 lines 3-4), feeding said data file to a software program (which

reads on column 5 lines 54-59). However Amin et al. fails to specifically discloses (a)

thematic mapping software and (b) generating a graphical representation of said data file

with said mapping software program and (c) receiving as input a Corsair Phoneprint

data file.

(a) In the same field of endeavor, Wical discloses a content processing system for

discourse. Wical discloses thematic mapping software (which reads on column 28 lines

23-25).

(b) In the same field of endeavor, Wical discloses a content processing system for

discourse. Wical discloses generating a graphical representation of said data file with

said mapping software program (which reads on column 6 lines 18-20).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Amin et al. by specifically providing for (a) thematic mapping software and (b) generating a graphical representation of said data file with said mapping software program as taught by Wical for the purpose of producing a 3D representation.

(C) In the same field of endeavor, Corsair article discloses that the Corsair Phoneprint data file is used to detect a fraudulent cell phone.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Amin et al. in view of Wical by specifically providing for a Corsair Phoneprint data file as taught by Corsair article for the purpose of generating a list of fraudulent users.

*Regarding claims 2,8,14,* Amin et al. in view of Wical and further in view of Corsair article. discloses everything claimed, as applied above (see claim 1) additionally, Amin et al. discloses data file includes call specific data selected from the group consisting of Date, Time of Call, Site ID, ESN of the fraudulent mobile, and telephone number (which reads on column 5 lines 60-64).

*Regarding claims 3,9,* Amin et al. in view of Wical and further in view of Corsair article. discloses everything claimed, as applied above (see claim 1) additionally, Amin et al. discloses generating an output report based on said data file including Cell Number and total call tear downs for a predetermined time period. (which reads on column 51 lines 27-30).

*Regarding claims 4,10,* Amin et al. in view of Wical and further in view of Corsair article. discloses everything claimed, as applied above (see claim 1) additionally,

Amin et al. discloses feeding said output report to said mapping software program and generating a graphical representation of said output report therefrom (which reads on column 28 lines 24-27).

*Regarding claims 5,11,* Amin et al. in view of Wical and further in view of Corsair article. discloses everything claimed, as applied above (see claim 1) additionally, Amin et al. discloses graphical representation includes cell sites color coded according to tear down data of said data file (which reads on column 5 lines 27-30).

*Regarding claim 7,* Amin et al. discloses everything claimed, as applied above (see claim 1) additionally, Amin et al. discloses a computer readable medium containing instructions for generating a tear down report based on call specific data obtained in a wireless network, said method comprising (which reads on column 5 lines 6-9): receiving as input a Corsair Phoneprint data (which reads on Amin et al. disk-base file) file including said call specific data (which reads on column 21 lines 15-20); feeding said data file to a program (which reads on column 22 lines 1-10). However Amin et al. fails to specifically discloses (a) thematic mapping software and (b) generating a graphical representation of said data file with said mapping software program and (c) receiving as input a Corsair Phoneprint data file.

(a) In the same field of endeavor, Wical discloses a content processing system for discourse. Wical discloses thematic mapping software (which reads on column 28 lines 23-25).

(b) In the same field of endeavor, Wical discloses a content processing system for discourse. Wical discloses generating a graphical representation of said data file with said mapping software program (which reads on column 6 lines 18-20).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Amin et al. by specifically providing for (a) thematic mapping software and (b) generating a graphical representation of said data file with said mapping sow are program us taught by Wical for the purpose of producing a 3D representation.

(C) In the same field of endeavor, Corsair article discloses that the Corsair Phoneprint data file is used to detect a fraudulent cell phone.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Amin et al. in view of Wical by specifically providing for a Corsair Phoneprint data file as taught by Corsair article for the purpose of generating a list of fraudulent users.

*Regarding claim 13*, Amin et al. discloses essentially all the claimed invention as set fourth in the instant application, further Amin et al. discloses a network engineering systems engineering system for mobile satellite communication system. In addition Amin et al. discloses a generating a tear down report based on call specific data obtained in a wireless network, said method comprising: a user access device receiving as input a Corsair Phoneprint data (which reads on Amin et al. disk-base file) file including said call specific data (which reads on column 21 lines 15-20); a processor for feeding said data file to a program (which reads on column 5 lines 25-29 and column 22 lines 1-10). However Amin et al. fails to specifically discloses (a) thematic mapping software and (b) generating a graphical representation of said data file with said mapping software program and (c) receiving as input a Corsair Phoneprint data file.

(a) In the same field of endeavor, Wical discloses a content processing system for

discourse. Wical discloses thematic mapping software (which reads on column 28 lines

23-25).

(b) In the same field of endeavor, Wical discloses a content processing system for

discourse. Wical discloses generating a graphical representation of said data il le with

said mapping software program (which reads on column 6 lines 18-20).

Therefore, it would have been obvious to one of ordinary skill at the time the

invention was made to modify Amin et al. by specifically providing for (a) thematic

mapping software and (b) generating a graphical representation of said data file with said

mapping software program as taught by Wical for the purpose of producing a 3D

representation.

(C) In the same field of endeavor, Corsair article discloses that the Corsair

Phoneprint data file is used to detect a fraudulent cell phone.

Therefore, it would have been obvious to one of ordinary skill at the time the

invention was made to modify Amin et al. in view of Wical by specifically providing for

a Corsair Phoneprint data file as taught by Corsair article for the purpose of generating a

list of fraudulent users.

***Allowable Subject Matter***

2.      Claims 15,16 are allowed.

## *Response to Arguments*

1.      Applicant's arguments filed 6/30/2004 have been fully considered but they are not persuasive.

2.      In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Wical reference discloses in column 76 lines 32-40 feeding data into a thematic software program and generating a graphical output.

The examiner contends that use of the Wical reference was only intended to disclose that it is common to use a computer program to feed it information and have it produce an output.

The examiner restates and stands by the above rejection.

## *Conclusion*

3.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not
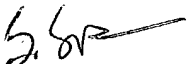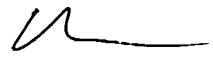
mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sheila B. Smith whose telephone number is (703)305-

0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

S. Smith
October 29, 2004